

## **IC 34-55-3**

### **Chapter 3. Levy of Execution**

#### **IC 34-55-3-1**

##### **Service by sheriff and offer to sell**

Sec. 1. When an execution against the property of any person is issued to the sheriff, the sheriff shall:

- (1) serve the execution upon the defendants in the county and levy the execution, if not paid, upon property; and
- (2) make at least one (1) offer to sell property levied upon within sixty (60) days after the execution comes to the sheriff, if property can be found, unless otherwise directed by the plaintiff or the plaintiff's agents.

*As added by P.L.1-1998, SEC.51.*

#### **IC 34-55-3-2**

##### **Currency and bank notes**

Sec. 2. Current coin and lawful money, and bank notes the plaintiff is willing to receive as money, may be levied upon and returned on execution, without sale, as so much money collected.

*As added by P.L.1-1998, SEC.51.*

#### **IC 34-55-3-3**

##### **Bills, notes, drafts, and checks**

Sec. 3. Bills, notes, drafts, checks, or other evidences of debt, issued by any monied corporation or bank, or by Indiana or the United States, and circulating as money, may be levied upon as personal property and sold on execution.

*As added by P.L.1-1998, SEC.51.*

#### **IC 34-55-3-4**

##### **Goods and chattels pledged, assigned, or mortgaged**

Sec. 4. Goods and chattels pledged, assigned, or mortgaged as security for any debt or contract may be levied upon and sold on execution against the person making the pledge, assignment, or mortgage. The purchaser is entitled to the possession upon complying with the conditions of the pledge, assignment, or mortgage.

*As added by P.L.1-1998, SEC.51.*

#### **IC 34-55-3-5**

##### **Shares of stock**

Sec. 5. (a) Shares of stock in any corporation or company may be levied upon and sold in the county where the office and books, showing the shares of stock and stockholders of the corporation or company, are kept.

(b) The sheriff shall transfer the stock, subject to the rights of the corporation or company.

(c) The sheriff is entitled to access to the books of any corporation or company in the sheriff's county for the purpose of making the

levy. If refused access, the court shall enforce the right.

(d) The shares of stock subject to be levied upon are bound by the execution from the time of the levy. When the levy is made, the sheriff shall leave the notice of the levy with the officers of the company. The levy constitutes a lien upon the stock from the time of the levy.

*As added by P.L.1-1998, SEC.51.*

### **IC 34-55-3-6**

#### **Debt or cause of action**

Sec. 6. Any debt or cause of action, which is assignable, may be levied upon, when given up by the defendant, and sold on execution, in the same manner as other personal property.

*As added by P.L.1-1998, SEC.51.*

### **IC 34-55-3-7**

#### **Debt or thing in action; assignment and delivery to purchaser**

Sec. 7. The sheriff making the sale of any debt or thing in action shall assign and deliver the debt or thing in action to the purchaser. The assignment has the same effect as if made by the execution defendant at the time of making the levy.

*As added by P.L.1-1998, SEC.51.*

### **IC 34-55-3-8**

#### **Actions involving assignments; pleading**

Sec. 8. In any action in which the assignment is declared upon or stated, it is not necessary to plead or prove any judgment or execution, by virtue of which the sale was made, nor to prove the execution of the assignment, unless the assignment is denied under oath.

*As added by P.L.1-1998, SEC.51.*

### **IC 34-55-3-9**

#### **Designated and undesignated property**

Sec. 9. (a) When an execution issues against the real or personal property of any person, the sheriff shall levy the execution, first upon that part of the property designated by the person, if there is no reasonable doubt that the person is the owner of the property and if designated in time to enable the sheriff to levy and sell without unnecessary delay.

(b) If no property is designated as described in subsection (a), the sheriff shall levy the execution upon any property of the debtor that can be found, subject to execution.

(c) If the designated property is insufficient to satisfy the execution, the sheriff shall levy the execution upon other property, subject to execution, as can be most readily found, sufficient, in addition to the property designated, to satisfy the execution.

*As added by P.L.1-1998, SEC.51.*

### **IC 34-55-3-10**

**Personalty and real estate; order of levy and sale**

Sec. 10. In all cases where the personal estate of the debtor, subject to execution, is insufficient to satisfy the execution, the real estate is exempt from levy and sale until the personal estate is levied upon and sold, unless the debtor directs otherwise. The principal messuage, lands, or tenements of the debtor, or upon which the debtor may reside, shall not be levied upon unless other property cannot be found sufficient to satisfy the execution in the hands of the sheriff.

*As added by P.L.1-1998, SEC.51.*